THE HON'BLE MR JUSTICE J.CHELAMESWAR

And

THE HON'BLE MR JUSTICE RAMESH RANGANATHAN

WRIT PETITION No: 26828 of 2005

Between:

Y. Babu Rao

… PETITIONER.

AND

The Chief Secretary of Government of A.P.,

GAD (SC-D), Secretariat, Hyderabad.

… RESPONDENT.

THE HON'BLE MR JUSTICE J.CHELAMESWAR

And

THE HON'BLE MR JUSTICE RAMESH RANGANATHAN

ORDER:- **(PER THE HONOURABLE JC,J)**

The writ petition is filed with a prayer as follows:

> "……Hon'ble Court may be pleased to issue Writ of Mandamus or any other appropriate writ or order or direction declaring the impugned G.O.Rt.No.6599, dated 19.09.2005, issued by the respondent as illegal, arbitrary and in violation of principles of natural justice apart from violative of fundamental rights guaranteed under Article 14 and 21 of the Constitution of India, and consequentially direct the respondent to forthwith drop G.O.Rt.No.6599, dated 19.09.2005."

The impugned Government Order is an order of the Government by which a disciplinary enquiry was initiated against the petitioner for the following charges:

> "a. By misusing his official powers, sold confiscated Trax Jeep vehicle No.AP 1U 3887 on 07.02.2004 for Rs.25,000/- to Sri Y.T.Ravi Kumar, R/o. Ongole, who is the real brother-in-law of Sri Y.Babu Rao, IFS and also other vehicles to close relatives and private driver Sri Mobin alias Mahammil Khan, R/o. Mancherial, nominally above the upset price. In all these cases, he kept upset prices arbitrarily at a very low rate, without making proper assessment of the market rate of the seized vehicles at the relevant time.
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> b. By misusing his official powers got changed engine and other parts of new tempo Trax bearing No.AP09-CJ-TR-1235 and got fitted to Trax jeep No.AP 1U 3887 which was purchased by Sri Y.T.Ravi Kumar who is brother in law of Sri Y.Babu Rao, IFS.
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> c. By misusing his official powers, utilized the services of the subordinates for unlawful things."

The only submission made by the learned counsel for the petitioner is that Y.T.Ravi Kumar, referred to charge (a) and (b), who is alleged to be the brother-in-law of the petitioner, is a question of fact requiring evidence to be recorded, which exercise this Court will not normally undertake while exercising its jurisdiction under Article 226 of the Constitution of India.

Apart from that, even assuming that the abovementioned Y.T.Ravi Kumar is not the brother-in-law of the petitioner, the allegations in charge (a) and (b) in our view will require an enquiry as they are in substance, the petitioner dishonestly caused loss to the State.

In the circumstances, we do not see any merit in the writ petition and the same is dismissed at the admission stage. No order as to costs.

J.CHELAMESWAR, J

RAMESH RANGANATHAN, J

Date: 16.12.2005

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